IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.491 OF 2006
IN
NOTICE OF MOTION NO.1780 OF 2006
IN
SUIT NO.1576 OF 2006

Eastern Steel Industries .. Appellant

Vs.

M/s.Technis Industries & Ors. .. Respondents

Mr.Rajeevkumar with Mr.Anurag Gokhale with Mr.Vachan Bodke with Mr.Charan Jeet Chanderpal i/b. M/s.Chitnis Vaithy & Co. for the Appellant.
Mr.R.S.Raymond with Mr.V.P.Shastri i/b. M/s.Raymond & Co. for Respondent Nos.2 and 4.
Mr.I.M.Chagla, Senior Advocate with Virag Tuljapurkar, Senior Advocate with B.Saraf i/b. D.S.K. Legal for Respondent No.3.

CORAM : DR.S.RADHAKRISHNAN & S.J.VAZIFDAR, JJ.

DATE : 20TH JULY,2006.

P.C.:

1. Heard the learned Counsel for the parties. Appeal is admitted. The learned Counsel for the Respondents waives service. By consent taken up for hearing. By this Appeal, the Appellant is challenging the order dated 27th June, 2006, whereby the Learned Single Judge had declined to grant any ad-interim-relief.

2. After hearing the parties for some time, the learned Senior Counsel on behalf of Respondent No.3 states that Respondent No.3 will not create any third

party rights of any nature with regard to the suit land. All the parties are agreeable that the Court Commissioner can be appointed in the above matter. In view thereof, Prothonotary and Senior Master, High Court, Bombay is directed to depute one of the Officers as Court Commissioner to physically verify as to possession and make a report regarding possession. The Court Commissioner's visit shall be in presence of the parties. The Appellant and Respondent No.3 shall bear the costs of Court Commissioner. The Defendants will file additional affidavits within a period of four weeks. Any rejoinder thereto shall be filed within a period of two weeks thereafter. The Learned Single Judge is requested to hear the above Notice of Motion as expeditiously as possible.

3. The above Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)